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PATNA HIGH COURT

NOTIFICATION

*The 14<sup>th</sup> March 2016*

**ADDENDA AND CORRIGENDA TO PATNA HIGH COURT RULES, 1916 (Fifth Edition)**

**C.S. No.151**

No. X-04-2015-168 Rules—The existing **Chapter—IIIA** of the **Patna High Court Rules, 1916** regarding filing procedure be substituted by following **Chapter—IIIA** with effect from 01.04.2016.

#### **CHAPTER IIIA**

#### **FILING PROCEDURE**

With the introduction of centralized filing for all petitions, applications, appeals and affidavits, it has become necessary to evolve a uniform practice and procedure for the same. Chapter III-A was introduced on 30.09.1996 and was amended from time to time. It is noticed that there are different filing procedures for different types of applications, which is undesirable and difficult to be incorporated in the Computer Software Program and Data Flow Management. It has thus become necessary to revise the filing procedure and make it uniform, in supersession of all other procedures specified in the Patna High Court Rules or may otherwise be prevalent.

The existing Chapter III-A of the Patna High Court Rules be substituted by the following Chapter III-A.

**Chapter III-A-Filing Procedure :-**

The procedure prescribed in this Chapter will come into effect immediately.

1. All proceedings/pleadings under original or appellate or miscellaneous (civil/criminal) jurisdiction or any other jurisdiction shall be presented for filing only at the centralized filing counter before the Designated Officer.

- (i) Designated Officer will be nominated by the Registrar General.
- (ii) For the Purpose of this Chapter “**proceeding**” will mean and include suit, counter claim, appeal, cross objection, petition, application, miscellaneous application, caveat, and the like.
- (iii) For the purpose of this Chapter “**pleading**” will mean and include written statement/Affidavit filed in any proceeding.

Provided that these procedures will not apply to the proceedings for which a special procedure is prescribed by any statute/rule made in that behalf.

2. All proceedings/pleadings shall be presented and received at the **centralized filing counter** from 10.30 am to 1 pm and 2.15 pm to 3.30 pm on Court working days and from 10.30 and to 1 pm on office working Saturdays.
3.
  - (a) The proceedings/pleadings shall be bound in a Paper Book form.
  - (b) The proceedings/pleadings shall be on A-4 size Bond Paper.
  - (c) The top margin and the left margin shall not be less than 2 inches and the bottom margin not less than 1 inch/
  - (d) Typing/printing shall be in Font Size 12 and in one and half spacing.
  - (e) The proceedings/pleadings shall bear running page number and annexure numbers.
  - (f) Every Proceeding shall be accompanied by synopsis, where necessary, giving relevant dates of events in chronological order.
  - (g) Photo state copy of a document appended as annexure, if not legible, shall be followed, after the document, by a true typed copy of the annexure and shall be attested by the Advocate on Record as “true copy”.
  - (h) All Proceedings/pleadings shall be filed by and through an AOR except where it is being filed in person through any party himself.

- (i) All proceedings shall be filed with a duly filled in Presentation Form (civil/criminal) annexed to this chapter as 'Appendix A(i) and A(ii)' respectively.
  - (ii) Save and except where the impugned order/s is a judgment or order of a Court or statutory Tribunal, in all other Civil and Criminal Writ proceedings the proceedings whereof are supported by affidavit as prescribed, the annexures including impugned orders/judgments need not be certified copies, but have to be true typed copies or true photo copies of such document/s.
4. (i) Memo of Appeal in relation to **Letters Patent Appeal** under Clause 10 of the "Letters Patent Constituting the High Court of Judicature at Patna" arising out of a petition under Article 226 of the Constitution of India, shall contain a brief statement of the plea of the writ petitioner/s and the defense raised by the respondent/s in the Writ Petition and the grounds of appeal. The Judgment/Order under challenge will be annexed to the Appeal Memo. No other document or no new facts shall be incorporated in the Appeal Memo.
- (ii) The Court may allow the parties to bring on record additional materials or new facts by a specific order made on Interlocutory Application made in this regard.
- (iii) Along with memo of appeal, complete pleadings of writ proceedings will be filed for the use of the 2<sup>nd</sup> Hon'ble Judge. Provided that in case, complete pleadings are not available with any Lawyer/Advocate, he will intimate the same to the L.P.A. Section, where he shall be issued those wanting pleadings/ papers/documents on payment of charges as may be fixed by the Registry.
- (iv) Interlocutory Application for stay or for interim relief and/or direction may be filed either along with the Memo of Appeal or at any time during pendency of the Appeal.
5. All proceedings presented to the centralized filing section shall be entered in the Computerized/Digital Register, maintained for the purpose. The person presenting the same shall, thereafter, be granted a receipt showing the date of such presentation, nature of the proceedings, name of first applicant and the name and number of AOR through whom it is filed and such other information as may be specified by the orders of the Chief Justice, from time to time.

Provided that where the proceedings relate to any matter, which requires, reporting in respect of limitation or application for initiation of contempt proceeding, civil or criminal, the receipt for the proceedings shall be properly numbered according to the case type and the receipt of filing shall show the said case number.

Once any proceeding is so received, numbered and registered, they will not be returned to any party, except on orders passed by the Court.

All other proceedings shall be assigned token numbers in chronological order with other particulars as specified above.

Pleadings in pending matters, after grant of filing receipt, with respective case number, shall be sent to the respective section for further action

6. Petitions under Article-227 of the Constitution of India in respect of any order or any proceeding before any Civil Court, would be filed in Civil Miscellaneous Jurisdiction and would be numbered as Civil Miscellaneous No. (C. Misc. No.).
7. (i) All proceedings shall then be subjected to stamp reporting as per requirement of respective nature of proceedings through centralized reporting section of the Registry.
- (ii) If in course of and as a consequence of stamp reporting, any defect or deficiency is reported or pointed out, the matter shall be so reported as early as possible, but not later than 3 working days, in the form as specified from time to time. In case the Stamp Reporter is unable to complete the stamp reporting within 3 days for want of relevant records or for any other reason, he shall complete the reporting within 15 days of filing of the proceedings, failing which the Stamp Reporter shall submit a report in form annexed to this Chapter as Appendix 'B' to the Joint Registrar (List) or such person as may be nominated by Registrar General for the said purpose, who shall enquire into the matter and complete the stamp reporting.
- (iii) In case, where case numbers are duly assigned and any defect and/or deficiency is reported by the Stamp Reporter, the matter shall be listed before appropriate Court at the earliest, for necessary orders for direction to remove defect or deficiencies as the case may.
- (iv) In case of proceedings where only token numbers are assigned, on defects or deficiencies being reported by Stamp Reporter as aforesaid, the AOR will be notified as such, as also, such notification be circulated

through Web/Notice to Associations. Upon such notice, the AOR or his registered clerk may chose to remove the defect by taking back the proceeding for re-filing within 2 weeks after removal of defects, when it would be subject to stamp reporting, afresh.

In case, the defects cannot cured or deficiency removed within two weeks and more time is required, the proceedings would be returned/re-filed with a request by the AOR accordingly and placed before the Joint Registrar (Judicial) who may grant 2 weeks further time. Proceeding left unattended for 2 weeks, after stamp reporting, requiring removal of defect/deficiency will be listed before Joint Registrar (Judicial) for orders.

If in spite of time granted by Joint Registrar (Judicial) the defects and/or deficiency is not removed, the proceeding shall be then listed, for orders, before the appropriate court, not with token number but with proper case number, for appropriate order/direction for removal of defect and/or deficiency as the case may be. Such proceedings shall not be then returned except on orders of the Court.

In no case proceedings, not returned/re-filed within 2 weeks, will be accepted and the token number will be automatically cancelled.

8. All such proceedings, which are reported defect free or are made defect free, as aforesaid, shall, ordinarily, be posted for 'Admission' on the following day.

If the pleadings relates to a pending case it would be tagged with its case records. Provided that Interlocutory Applications filed in any case which is already posted before the Court, would be tagged with the case records and upon urgency being shown, to the satisfaction of the Court, would then be listed as per orders of the Court for its consideration.

By Order of the Court,  
VINOD KUMAR SINHA,  
*Registrar General.*

**IN THE HIGH COURT OF JUDICATURE AT PATNA****PRESENTATION FORM FOR CIVIL MATTERS****Columns in dark to be filled in by the registry**

<b>Case Title</b>	<b>Code</b>	
<b>Token No.</b>		
<b>Case No.</b>		
<b>Filed Under Sections</b>		
<b>District</b>		<b>Code</b>
<b>Before Single Judge / Division Bench / Spl. Bench</b>		

<b>Subject Matter</b>	
<b>Code</b>	
<b>Act Code</b>	

**Petitioner's/Appellant's/Applicant's**  
**(Original Party)**  
**Stamp:**

<b>Mobile No., E-mail ID &amp; Address (with pin code)</b>	
<b>Advocate's Name</b>	<b>Code</b>

**Versus**  
**Respondent/s Opponent/s (Original Party)**

<b>Mobile No., E-mail ID &amp; Address (with pin code)</b>	
<b>Advocate's Name</b>	<b>Code</b>

<b>Particulars of the Court / Authority below</b>		<b>Code</b>
<b>Case Type</b>	<b>Number</b>	<b>Year</b>
<b>Date of impugned decision/order</b>		

<b>Particulars of the Court / Authority of first instance</b>		<b>Code</b>
<b>Case Type</b>	<b>Number</b>	<b>Year</b>
<b>Date of decision / order of Court / Authority of first instance</b>		

In case of group, particulars of lead/other matter/s:-

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Advanced Copy Served to Otherside/Caveator /GP

**Presented With Court Fee**

On the Memo

Rs.
-----

On the Vakalatnama

Rs.
-----

On the Certified Copies

Rs.
-----

On the Affidavit

Rs.
-----

Total Rs.

Total (in Words) Rupees

Advocates' Welfare Fund Stamp

Rs.
-----

Presented for

Presented by \_\_\_\_\_ (Sign.)

( \_\_\_\_\_ ) Name

This \_\_\_\_\_ day of \_\_\_\_\_ 20

<b>Received By</b>	
<b>Entries Made By</b>	
<b>Checked By</b>	

Received additional Court Fee

Stamp of Rs.

Total (in words) Rupees

This \_\_\_\_\_ day of \_\_\_\_\_ 20

<b>Received Clerk</b>	
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Date :

Advocate:

## Appendix A(ii)

**IN THE HIGH COURT OF JUDICATURE AT PATNA****PRESENTATION FORM FOR CRIMINAL MATTERS**

Columns in dark to be filled in by the registry

Case Title	Code	
Token No.		
Case No.		
Filed Under Sections		
District	Code	
Before Single Judge / Division Bench / Spl. Bench		

Petitioner's/Appellant's/Applicant's  
(Original Party)

Stamp:

Mobile No., E-mail ID & Address (with pin code)	
Advocate's Name	Code

Versus

Respondent/s Opponent's (Original Party)

Mobile No., E-mail ID & Address (with pin code)	
Advocate's Name	Code

Particulars of the Court below		Code
Case Type	Number	Year
Date of impugned decision/order		

Particulars of the Court below		Code
Case Type	Number	Year
Date of decision / order of Court of first instance		

Police Station's Name		Code
FIR Number / Complain Case Number	Date	

In case of group, particulars of lead/other matter/s:-

--

Advanced Copy Served to Otherside/P.P

Subject Matter	
Code	
Act Code	

**Presented With Court Fee**

On the Memo

Rs.
-----

On the Vakalatnama

Rs.
-----

On the Certified Copies

Rs.
-----

On the Affidavit

Rs.
-----

Total Rs.
-----------

Total (in Words) Rupees

Advocates' Welfare Fund Stamp

Rs.
-----

Presented for

Presented by \_\_\_\_\_ (Sign.)

( ) Name

This \_\_\_\_\_ day of \_\_\_\_\_ 20

Received By	
Entries Made By	
Checked By	

Received additional Court Fee

Stamp of Rs.

Total (in words) Rupees

This \_\_\_\_\_ day of \_\_\_\_\_ 20

Received Clerk	
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Date :

Advocate:

**FORMAT OF REPORT FOR STAMP REPORTING****Name of the Section Officer :****Date of Reporting :**

<b>Proceeding / Case Type</b>	<b>Token Number</b>	<b>Date of Filing</b>	<b>Reason for non examination</b>	<b>Name of the Stamp Reporter</b>

**Signature and Computer generated  
stamp of the Section Officer.**



***The 14<sup>th</sup> March 2016*****ANNEXURE-B****ADDENDA AND CORRIGENDA TO PATNA HIGH COURT RULES, 1916 (Fifth Edition)****Chapter-XII Procedure in Criminal Cases Rule 3****C.S. No.152**

No. X-04-2015-169/Rules—Every pleading shall immediately below the title have endorsed on it the jurisdiction of the Court under which an application has been filed and below that shall further have endorsed on it:-

- (i) If it is a memorandum of appeal, the “Criminal Appeal u/s 341 Cr.P.C.”/ “Criminal Appeal (D.B.)”/ “Criminal Appeal (S.J.)”/ “Criminal Appeal (D.B.) (Against Acquittal)”/ “Criminal Appeal (SJ) (Against Acquittal)”/ “Criminal Appeal (U/S)”/ “Government Appeal (D.B.)”/ “Government Appeal (S.J.)” / “S.L.A.(D.B.)” / “S.L.A.(S.J.)” as the case may be.
- (ii) If it is an application for revision, the words “Criminal Revision” / “Criminal Revision (Against Acquittal)”/ “Criminal Revision (Against Conviction)” / “Criminal Revision (Juvenile Matter)”.
- (iii) In the case of miscellaneous matters of Criminal Jurisdiction, the words “Criminal Miscellaneous (Bail)” / “Criminal Miscellaneous (Anticipatory Bail)” / “Criminal Miscellaneous (Quashing)”/“Criminal Miscellaneous (Modification)”/ “Criminal Miscellaneous (Restoration)”/“Criminal Miscellaneous (Transfer)” / “Criminal Miscellaneous (Cancellation of Bail)” / “Criminal Miscellaneous (Charge/ Discharge)”/ “Criminal Miscellaneous (under Article-227)”.
- (iv) In the case of writ petitions under Articles 226 of the Constitution in respect of matters related to Criminal Jurisdiction, the nomenclature “Criminal Writ Jurisdiction” (DB) or (SJ) as the case may be is to be used.
- (v) Petitioner under Article-227 of the Constitution of India in respect of any order or any proceeding before any Criminal Court would be filed in Criminal Miscellaneous Jurisdiction.

**Rule 4**

**Every such pleading shall also appropriately state: -**

- (a) the provisions of the Constitution or the Cr.P.C. or any other Statute under which the application is filed;
- (b) in all matters arising out of a complaint case, the complainant shall be a necessary opposite party/respondent as the case may be;
- (c) full particulars of the case from which the application arises including the case number, if any, and the designation of the court below;
- (d) whether the applicant(s) had earlier approached any Court including the Supreme Court/High Court/Court of Sessions on any previous occasion for the same or similar relief, and if so, the case number, number of the Court and result of such previous case/proceeding to be clearly stated in paragraph two of the application before this Court;
- (e) an application under Section 438 or 439 of Cr.P.C. shall also state the criminal antecedent of the applicant, if any, and particulars thereof, in paragraph three of the application before this Court;
- (f) facts of the case in brief;

- (g) ground or grounds numbered serially;
- (h) the case number and date of the order or judgment aggrieved by or impugned;
- (i) the relief prayed;
- (j) wherever the applicant files and/or annexes a typed copy of any document, the AOR shall certify at the end of such document that it is a true copy of such document;

By Order of the Court,  
VINOD KUMAR SINHA,  
*Registrar General.*

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